Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 027294
ORIGIN EA-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00
PA-01 PRS-01 SP-02 SS-15 /051 R

DRAFTED BY EA/K:FMISCH
APPROVED BY EA/K:MRRICH
EA/P:JCANNON
----------064560 062001Z /50/61
O R 012320Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL
INFO AMEMBASSY TOKYO
CINCPAC

LIMITED OFFICIAL USE STATE 027294

CORRECTED COPY (LINE 18 PARA 1 OMITTED)

CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PDIP, KS, US

SUBJECT: DEPARTMENT REACTION TO PRESS QUERIES ON TESTIMONY BY ROK DIPLOMATS AND TONGSUN PARK AGREEMENT TO TESTIFY BEFORE CONGRESS

1. DEPARTMENT PROVIDED THE FOLLOWING TO MEDIA REPRESENTATIVES AT NOON BRIEFING FEBRUARY 1 IN RESPONSE TO A QUESTION TAKEN BY THE SPOKESMAN JANUARY 31.

QUESTION: THE ETHICS COMMITTEE HAS REQUESTED SOUTH KOREA TO PRODUCE FORMER AMBASSADOR KIM. DOES THE STATE DEPART-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 027294

MENT HAVE ANY POSITION ON DIPLOMATS WITH IMMUNITY BEING QUESTIONED BY CONGRESS?

ANSWER: ARTICLE 31 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS (A TREATY TO WHICH THE UNITED STATES IS A PARTY) PROVIDES THAT A DIPLOMAT IS NOT OBLIGED TO GIVE EVIDENCE AS A WITNESS. THE EVIDENT INTENT OF THAT ARTICLE IS TO

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

PROVIDE IMMUNITY FROM THE FULL RANGE OF THE RECEIVING STATE'S JURISDICTION. SINCE THE PROVISION APPLIES TO TESTIMONY BEFORE CONGRESSIONAL COMMITTEES AS WELL AS AT TRIAL, AN AMBASSADOR COULD NOT BE THE SUBJECT OF LEGAL PROCESS TO COMPEL HIS TESTIMONY ON OFFICIAL ACTS BEFORE CONGRESS OR A COURT. ARTICLE 39(2) OF THE CONVENTION PROTECTS FORMER AMBASSADORS IN REGARD TO OFFICIAL ACTS PERFORMED DURING THEIR TENURE AS DIPLOMATS.

THE IMMUNITY PROVIDED BY THE CONVENTION MAY BE WAIVED BY THE DIPLOMAT'S SENDING STATE. PRESSURE BY ONE STATE ON ANOTHER TO WAIVE THIS IMMUNITY, HOWEVER, WOULD ESTABLISH A PRECEDENT WHICH WOULD HAVE VERY SERIOUS IMPLICATIONS FOR THAT STATE'S ABILITY TO CONDUCT FOREIGN RELATIONS.

2. AT FEBRUARY 1 NOON BRIEFING, ONE QUESTION WAS ASKED ON TONGSUN PARK AND ANSWERED BY SPOKESMAN ALONG LINES OF FOLLOWING GUIDANCE:

QUESTION: WHAT IS YOUR REACTION TO THE KOREAN GOVERNMENT'S ANNOUNCEMENT THAT TONGSUN PARK WILL TESTIFY BEFORE CONGRESS?

ANSWER: WE WARMLY WELCOME THIS EVIDENCE OF PRACTICAL COOPERATION. VANCE
LIMITED OFFICIAL USE

NNN

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, BRIBERY, US CONGRESSIONAL HEARINGS, US CONGRESSIONAL PRESENTATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE027294
Document Source: CORE
Document Unique ID: 00
Drafter: FMISCH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780068-0105, D780049-0147
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197802104/aaaadkeg.tel
Line Count: 94
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3e836dcd-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3438270
Secure: OPEN
Status: NATIVE
Subject: DEPARTMENT REACTION TO PRESS QUERIES ON TESTIMONY BY ROK DIPLOMATS AND TONGSUN PARK AGREEMENT TO TESTIFY BEFORE CONGRESS
TAGS: PDIP, KS, US, (TONGSUN PARK)
To: SEOUL
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/3e836dcd-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014